

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

RICHARD PALMER

PLAINTIFF

V.

NO. 3:23-CV-420-DMB-JMV

BURL CAIN, et al.

DEFENDANTS

ORDER

On April 18, 2024, this Court dismissed with prejudice Richard Palmer’s 42 U.S.C. § 1983 claims alleging Eighth Amendment violations for the denial and delay of medical care, and entered judgment accordingly. Docs. #15, #16. On May 22, 2024, Palmer filed a pro se motion requesting “a certificate of appealability to appeal to the Fifth (5th) Circuit Court” Doc. #18 at PageID 75. Because a certificate of appealability is only required for habeas cases filed under 28 U.S.C. § 2254¹ or 28 U.S.C. § 2255² and is not required to appeal cases filed pursuant to 42 U.S.C. § 1983, Palmer’s motion for a certificate of appealability [18] is **DENIED**.

SO ORDERED, this 5th day of June, 2024.

/s/Debra M. Brown

UNITED STATES DISTRICT JUDGE

¹ Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts.

² Rule 11(a) of the Rules Governing Section 2255 Proceedings for the United States District Courts; *see* 28 U.S.C. § 2253(c)(1)(B) (“Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from the final order in a proceeding under section 2255.”).